IN THE HIGH COURT OF JUDICATURE

ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE D.APPA RAO

WRIT PETITION NO :12035 of 2006

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Dated: 19th June 2006.

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Between:

V.Naghabushan Chowdary and another

..... PETITIONERS

AND

The Regional Transport Authority, Transport Department, Government of A.P., Ananthapur and others

.....RESPONDENTS

THE HON'BLE SRI JUSTICE J.CHELAMESWAR

AND

THE HON'BLE SRI JUSTICE D.APPA RAO

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W.P.NO.12035 OF 2006

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ORAL ORDER:

(Per the Hon'ble Sri Justice J.Chelameswar)

The 1st and 2nd petitioners herein, claim to be owners of an unregistered tractor, which was purchased on 08-08-2005 and a trailor bearing No.A.P.02C.9379, respectively.

It appears that the 1st petitioner's tractor was hauling the trailor on 25-05-2006, at that point of time, the 2nd respondent stopped the vehicle, checked and found out that both the tractor and trailor were being plied without being payment of any appropriate tax under the A.P.M.V.Taxation Act, and therefore, seized them.

The petitioners claim to be agriculturists, using the tractor and trailor exclusively for agricultural operations and therefore, claim that they are exempted from payment of tax under Section 10 of the Act. Hence, the present writ petition, with the prayer as follows:

> " For the reasons stated in the accompanying affidavit, the petitioner herein therefore prays that this Hon'ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the seizure of the 1st petitioner's un registered tractor with chasis No.293406 and the 2nd petitioner trailor No. A.P.02C 9379 which was seized by the 2nd respondent vide Vehicle check report No.310910 dt. 25.05.2006, as illegal, arbitrary, unjust and consequently direct the respondents to release the vehicles of the petitioner forthwith and to pass such other

order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

Heard both the learned Government Pleaders for Transport and Home.

In the circumstances, we deem it appropriate to dispose of the writ petition, directing the respondents to conclude the enquiry, regarding the liability of the petitioners to be exempted from paying tax and pass an appropriate order expeditiously, preferably, within a period of three weeks from the date of receipt of a copy of this order. Pending such an enquiry, it is further directed that both the tractor and trailor, referred to above, be released on condition of the petitioners depositing an amount of Rs.12,000/- in all, which amount shall either be appropriated towards the tax and other liabilities of the petitioners, if they found in the enquiry liable, or the same may be refunded to them, if they are found otherwise.

With the above directions, the writ petition is disposed of at the stage of admission.

J.Chelameswar, J

D.Appa Rao, J

19th June 2006

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